

FILED

JAN 28 2016

**CLERK U.S. BANKRUPTCY,
ORLANDO DIVISION**

**In re:
JODELL M. ALTIER
Debtor**

Case No.: 6:15-bk-01838-KSJ

**GOSHEN MORTGAGE, LLC
Plaintiff**

Adversary Proceeding No: 6:15-bk-156-KSJ

**v.
JODELL M. ALTIER
Defendant**

DEFENDANT'S REPLY TO PLAINTIFF'S ADVERSARY COMPLAINT

COMES NOW, JODELL M. ALTIER ("Defendant"), Pro Se, and files Defendant's Reply to Plaintiff's Adversary Complaint and hereby states as follows"

NATURE OF ACTION

1. Defendant vehemently denies Plaintiff's allegations that Debtor concealed recorded information from which the Debtor's financial condition or business transactions might be ascertained; and that the Debtor knowingly and fraudulently made a false oath or account in or in connection with the bankruptcy case.

JURISDICTION, PARTIES AND VENUE

1. The Court has jurisdiction over this proceeding pursuant to 28 U.S.C. §§ 157(a), 157(b), and 1334, and the Order of the United States District Court for the Middle District of Florida referring all cases and proceedings under the Bankruptcy Code in this District to the Bankruptcy Court.
2. Venue is proper in this District pursuant to 28 U.S.C. §§ 1408 and 1409.
3. The statutory predicates for the relief sought are 11 U.S.C. § 727(a)(3) and 727(a)(4)(A) of the Bankruptcy Code and Rule 7003 of the Federal Rules of Bankruptcy Procedure.
4. This adversary proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b).

5. Plaintiff is a secured creditor in the above-captioned bankruptcy case.
6. Debtor/Defendant is a Florida resident who resides at 2507 Roat Drive, Orlando, Florida 32835.

FACTUAL AND PROCEDURAL HISTORY

1. Defendant alleges that Pro Se pleadings should be considered without regard to technicality because Pro Se litigants' pleadings are not to be held to the same standards of perfections as Lawyers. *See Picking v. Pennsylvania R. Co.* 151 F.2d.240.
2. Pro Se litigants have generally been given reasonable opportunity to remedy defects in order to provide the constitutional right of access to the courts which allows those who may not be able to afford legal representation a fair opportunity to litigate their claims and to represent themselves in court. *See Platsky v. C.I.A.* 953 F.2d.25 citing *Reynoldson v. Shillinger* 907F.2d.124,16 (10th Cir. 1990); *see also Jaxon v. Circle K. Corp.* 773 F2d.1138,1140 (10th Cir. 1985)(1)
3. Defendant has continually represented herself Pro Se in the UNITED STATES BANKRUPTCY COURT, MIDDLE DISTRICT OF FLORIDA, Case No. 6:15-bk-01838-KSJ. Defendant is not an attorney and cannot act as a reasonable attorney, therefore, she should not be held to the same standard of a reasonable lawyer.
4. Defendant has been in the process of hiring counsel to represent them in the bankruptcy proceedings and hereby asks that the court grant her leave to retain counsel and, thereafter, amend the necessary schedules to clarify the matter before the court.

COUNT I

1. Defendant alleges that she did not purposely fail to disclose or intentionally conceal any transfers and only prepared the necessary schedules to the best of her ability.

2. Defendant is representing herself Pro Se and has been seeking counsel for several months to help clarify any irregularities that may have occurred as a result of her preparing the documents submitted to the court which may have contained innocent errors.

COUNT II

1. Defendant alleges that she did provide honest and accurate responses in the bankruptcy proceedings to the best of her ability. Moreover, when asked about her interest in the Trust, the Grand Legacy Group or the transfer of the Gainesville Property, Satellite Beach Property or Kettle Drive Property, Defendant openly answered all questions.
2. Defendant has not avoided any questions and has been forth coming with the court when asked about her involvement on the points that Plaintiff has raised in their Adversary Complaint.
3. Defendant realleges that she did not intentionally provide false information on the bankruptcy petition regarding her assets. Due to the length of the documentation and the extreme detail required to prepare the necessary filings, Defendant openly admits that the task may have been too great of an undertaking for a layperson and as a result has been seeking counsel.
4. Defendant is eager to clarify any misunderstanding that may have occurred as a result of possible errors on the bankruptcy petitions, schedules and other filings.

RESERVATION OF RIGHTS

1. Defendant reserves the right to amend her Reply to Plaintiff's Adversary Complaint.

WHEREFORE, Defendant respectfully requests that this Court enter an Order in favor of the Defendant, denying all relief sought in Plaintiff's Complaint or in the alternative

–allow for Defendant to amend her schedules and any necessary filings that would help clarify the issues at hand and for all such and further relief as this Court deems just and appropriate.

Respectfully submitted,



Jodell Altier, Pro Se
2507 Roat Drive
Orlando, FL 32835

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing document has been furnished by U.S. Mail and/or email to the parties listed below this 28 day of January, 2016.

Gene T. Chambers, Trustee P.O. Box 533987, Orlando, Florida 32801, U.S. Trustee,
United States Trustee, Office of the United States Trustee, George C. Young Federal
Building, 400 West Washington Street, Suite 1100, Orlando, FL 32801

Justin M. Luna of Lathem, Shuker, Eden & Beaudine LLP, P.O. Box 3353 Orlando,
Florida 32802-3353, Attorneys for Goshen Mortgage, LLC

Michael A Nardella, Esq. of Nardella & Nardella PLLC, 250 E. Colonial Dr. #102
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Antonio Alonso, Esq. of Choice Legal Group P.A., PO Box 9908 Fort Lauderdale, FL
33310-0908 Attorney for Seterus Inc. as the authorized sub servicer for Federal National
Mortgage Association, Grande Legacy Group 8104 Hook Circle Orlando, FL 32836



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